

PETER B. MORRISON (SBN 230148)
 peter.morrison@skadden.com
 VIRGINIA F. MILSTEAD (SBN 234578)
 virginia.milstead@skadden.com
 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 300 South Grand Avenue, Suite 3400
 Los Angeles, CA 90071
 Telephone: (213) 687-5000
 Facsimile: (213) 687-5600

JOHN NEUKOM (SBN 275887)
 john.neukom@skadden.com
 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
 525 University Avenue, Suite 1400
 Palo Alto, California 94301
 Telephone: (650) 470-4500
 Facsimile: (650) 470-4570

Attorney for Defendants
 Ripple Labs Inc., XRP II, LLC, Bradley
 Garlinghouse, Christian Larsen, Ron Will,
 Antoinette O’Gorman, Eric van Miltenburg,
 Susan Athey, Zoe Cruz, Ken Kurson, Ben
 Lawsky, Anja Manuel, and Takashi Okita

**UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

AVNER GREENWALD, individually and on
 behalf of all others similarly situated,

Plaintiff,

v.

RIPPLE LABS INC., et al.,

Defendants.

CASE NO.: 3:18-cv-04790-SK

**NOTICE OF PENDENCY OF OTHER
 ACTIONS OR PROCEEDINGS
 PURSUANT TO CIVIL LOCAL RULE 3-
 13**

Pursuant to Civil Local Rule 3-13, Defendants Ripple Labs Inc., XRP II, LLC, Bradley Garlinghouse, Christian Larsen, Ron Will, Antoinette O’Gorman, Eric van Miltenburg, Susan Athey, Zoe Cruz, Ken Kurson, Ben Lawsky, Anja Manuel, and Takashi Okita (together, “Defendants”) respectfully give notice of the following pending actions: Vladi Zakinov v. Ripple Labs Inc. et al., No. 18-CIV-02845 filed in the Superior Court of San Mateo County, California on June 5, 2018 (the “Zakinov Action”) and David Oconer v. Ripple Labs Inc. et al., No. 18-CIV-03332 filed in the Superior Court of San Mateo County, California on June 27, 2018 (the “Oconer Action”). The actions are concerning “all or a material part of the same subject matter” and involve “all or substantially all of the same parties” as the instant action. Therefore, Defendants are notifying this Court of these Actions. Civ. L.R. 3-13(a).

I. THE ZAKINOV AND OCONER ACTIONS INVOLVE THE SAME SUBJECT MATTER AS THE INSTANT ACTION

On July 3, 2018, Plaintiff commenced this putative class action against Defendants Ripple Labs Inc., XRP II, LLC, Bradley Garlinghouse, Christian Larsen, Ron Will, Antoinette O’Gorman, Eric van Miltenburg, Susan Athey, Zoe Cruz, Ken Kurson, Ben Lawsky, Anja Manuel, and Takashi Okita by filing a complaint in the Superior Court of San Mateo County, California. Plaintiff asserted claims on behalf of all purported purchasers of XRP from July 3, 2015 through the present, alleging violations of §§ 5, 12(a)(1), and 15 of the Securities Act of 1933 (“Securities Act”). (Compl. ¶ 87.) Plaintiff alleges that he and members of the purported class purchased the virtual currency, XRP, on “global, online cryptocurrency exchanges.” (Compl. ¶¶ 14, 78-79.) Plaintiff claims that he and members of the purported class were somehow injured because Defendants were allegedly required to register XRP as a “security” with the Securities & Exchange Commission (“SEC”) but failed to do so.

On June 5, 2018, Plaintiff Vladi Zakinov filed suit against Defendants Ripple Labs, Inc., XRP II, and Bradley Garlinghouse in the Superior Court of San Mateo County, California. The Zakinov Action asserts claims pursuant to §§ 25503, 25504, and 25110 of the California Corporations Code on behalf of California citizens who purchased XRP from January 1, 2013 to the present and is based on the same alleged misconduct by Defendants, failure to register XRP as

1 a security. The California Corporations Code claims are similar to the Securities Act claims
2 asserted in this action.

3 On June 27, 2018, Plaintiff David Oconer filed suit against Defendants Ripple Labs, Inc.,
4 XRP II, and Bradley Garlinghouse in the Superior Court of San Mateo County, California. The
5 Oconer Action also asserts claims pursuant to §§ 25503, 25504, and 25110 of the California
6 Corporations Code on behalf of California citizens who purchased XRP and is similarly based on
7 the same alleged misconduct by Defendants, failure to register XRP as a security.

8 Thus, it is clear that the Zakinov and Oconer Actions involve “all or a material part of the
9 same subject matter” and involve “all or substantially all of the same parties” as the instant action.
10 Civ. L.R. 3-13(a).

11 **II. THE ZAKINOV AND OCONER ACTIONS SHOULD BE COORDINATED WITH**
12 **THIS ACTION**

13 When “the other action is pending before any state court,” Civil Local Rule 3-13(b)(3)(C)
14 requests a statement of “whether proceedings should be coordinated to avoid conflicts, conserve
15 resources and promote an efficient determination of the action.” Defendants respectfully submit
16 that the Zakinov and Oconer Actions should be coordinated with this action because it is necessary
17 and proper. Coordination of the actions would prevent Defendants from having to litigate
18 substantially identical claims, at varying procedural postures, in different locations.

19 DATED: August 9, 2018

20 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

21 By: /s/Peter B. Morrison
22 Peter B. Morrison
23 Attorney for Defendants
24
25
26
27
28